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REMARKS

The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

35 U.S.C. § 112 Rejection

The Examiner has rejected claims 106-121 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants respectfully submit that the rejection is moot in view of the amendments above. In particular, without admitting the appropriateness of the rejection, the Applicants respectfully submit that the objected to language has been amended in each of the newly presented independent claims to make them abundantly more clear.

Accordingly, Applicants respectfully request that the rejection be withdrawn.

35 U.S.C. §103(a) Rejection – Claims 106-121

The Examiner has rejected claims 106-121 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,386,451 issued to Sehr et al. (hereinafter "Sehr") in view of U.S. Patent No. 6,236,395 issued to Sezan et al. (hereinafter "Sezan"). The Applicants respectfully submit that the present claims are allowable over Sehr and Sezan.

Claim 122 pertains to an apparatus comprising:

"a smart card having a microprocessor and a storage medium;

a template database stored on the storage medium, the template database including a plurality of templates, the plurality of templates including:

a first user preference template that corresponds to, and is compatible with, a television, the first user preference template including television preferences associated with the

television, wherein the television preferences include a first preference for what television media is to be presented and a second preference for how the television media is to be presented;

a second user preference template that corresponds to, and is compatible with, a computer having a web browser, the second user preference template including web browsing preferences; and

a user history template that includes dynamically updated usage history associated with television media viewed by a user, wherein a higher priority is given to the television preferences in the first user preference template than to the dynamically updated usage history in the user history template; and

an analyzer to analyze usage data and generate the usage history that is used to dynamically update the user history template”.

Sehr and Sezan do not teach or suggest these limitations. In particular, Sehr and Sezan do not teach or suggest: (a) a first user preference template that **corresponds to** and is compatible with a television and a second user preference template that **corresponds to** and is compatible with a computer having a web browser; (b) wherein the television preferences include a first preference for **what** television media is to be presented and a second preference for **how** the television media is to be presented; (c) a **user history template** that includes **dynamically updated usage history**; (d) wherein a **higher priority** is given to the television preferences in the first user preference template than to the dynamically updated usage history in the user history template; and (e) an analyzer to analyze usage data and generate the usage history that is used to dynamically update the user history template, in combination with the other claim limitations.

Accordingly, claim 122 and its dependent claims are believed to be allowable over Sehr and Sezan.

Claim 126 and its dependent claims are believed to be allowable for similar reasons.

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Conclusion

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the cited art of record and are in condition for allowance. Applicants respectfully request that the rejections be withdrawn and the claims be allowed at the earliest possible date.

Request For Telephone Interview

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

Request For An Extension Of Time

The Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

Charge Our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 4/9/07

By

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